

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

IVAN NEATHERY, *individually and as a shareholder of Meridian Bank, and FEDERAL DEPOSIT INSURANCE CORPORATION, as receiver for Meridian Bank,*

Plaintiffs,

vs.

CLAY WINFIELD, *individually and as a member of the Board of Directors of Meridian Bank, TIMOTHY KEISER, individually and as a member of the Board of Directors of Meridian Bank, and BRAD RENCH, individually and as the President of Meridian Bank,*

Defendants.

Case No. 09-cv-631-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff Ivan Neatherly's Notice of Voluntary Dismissal (Doc. 39), which seeks to dismiss all claims against Defendant Timothy Keiser without prejudice. The instant notice is in response to the Court's Memorandum and Order (Doc. 36) of June 17, 2010, wherein, the Court, *inter alia*, ordered Neatherly to show cause why his claims against Keiser should not be dismissed without prejudice for failure to timely effectuate service of process.

Being fully advised of the premises, especially Federal Rules of Civil Procedure 4(m) and 41(a)(1)(A)(i), the Court **DISMISSES** Keiser **without prejudice** and **DIRECTS** the Clerk of Court to terminate him as a defendant in this matter and enter judgment accordingly.

**IT IS SO ORDERED**  
**DATED: July 6, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**